

REMARKS

Status of the Application

Claims 1-25 are pending in the application. Claims 22-25 are rejected under 35 U.S.C. § 101 as not falling within one of the four subcategories of invention. Claims 1, 4-7, 10-13, 15-17, 19-22, and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kano (Akiko Kano et al., Digital image subtraction of temporally sequential chest images for detection of interval change, *Mediacla physics*, Vol. 21, No. 3, March 1994). Claims 2, 3, 8, 9, 14, 18, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kano, as applied to claims 1, 7, 13, 17, and 22 above in view of Yanagita et al. (US Patent 6,415,049).

By this Amendment, Applicants hereby amend claims 1, 7, 13, 17 and 22.

Claim Rejections - 35 U.S.C. § 101

Claims 22-25 are rejected under 35 U.S.C. § 101 as not falling within one of the four subcategories of invention.

Without conceding to the merits of the Examiner's rejection, Applicants hereby amend claim 22 in order to correct any alleged deficiencies with respect to 35 U.S.C. § 101. Applicants hereby request withdrawal of the instant rejection.

Claim Rejections - 35 U.S.C. § 102

*Claims 1, 4-7, 10-13, 15-17, 19-22, and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kano (Akiko Kano et al., Digital image subtraction of temporally sequential chest images for detection of interval change, *Mediacla physics*, Vol. 21, No. 3, March 1994).*

Claim 1 recites, in part, "a judgment means for judging whether the two images have undergone image processes, based on the process confirmation data attached to each of the two images" and "a correction means for correcting an image which has been judged to have

undergone image processes, to correct the image to a state equivalent to its original state prior to the image processes, based on the image processing condition data attached thereto.” The Examiner alleges that Kano discloses each of the elements of claim 1. Applicants respectfully disagree.

The Examiner asserts that the non linear density correction performed to adjust density/contrast among digital images disclosed in the Kano reference corresponds to the “process confirmation data” and the “image processing condition data”, and that the warping of a first image to position it with respect to a second image (Fig. 12, page 461, col. 1 and 2 of Kano) corresponds to the “judging process” and the “correcting process” of the invention of the present application, at pages 6 and 7 of the Office Action. Further, the Examiner argues that page 454, column 2 discloses that the non linear density correction is a preprocessing of an image.

Applicants respectfully submit that the non linear density correction performed to adjust density/contrast among digital images merely corrects the density and contrast of target images to predetermined standard values. Therefore, the Kano reference fails to teach that process confirmation data (data that represents whether image processes have been administered) or image processing condition data (data that represents the conditions of the administered image processes) are attached to each of the two images, which allows the correction means to correct the images to a state equivalent to its original state prior to the image processes.

Further, Applicants submit that the process of warping the first image to position it with respect to a second image (Fig. 12, page 461, col. 1 and 2 of Kano) is merely to administer a warping process on a current chest image, in which positional shifting has occurred from a previous chest image due to a temporal difference in the imaging dates. This warping does not return the images to a state equivalent to its original state, but merely adds another layer of image

correction to the digitized images. Therefore, the Kano reference cannot teach a judgment means which judges whether the two images have undergone image processes, based on the process confirmation data attached to each of the two images, or a correction means for correcting an image which has been judged to have undergone image processes, to correct the image to a state equivalent to its original state prior to the image processes, based on the image processing condition data attached thereto, based on the image processing condition data attached thereto.

Accordingly, claim 1 is patentable over the applied art.

Claims 7, 13, and 17 recite similar elements to claim 1, and are patentable for reasons analogous thereto. Claims 4-6, 10-12, 15, 16, 19-22 and 25 are patentable at least by virtue of their respective dependencies.

Claim Rejections - 35 U.S.C. § 103

Claims 2, 3, 8, 9, 14, 18, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kano, as applied to claims 1, 7, 13, 17, and 22 above in view of Yanagita et al. (US Patent 6,415,049).

Claims 2, 3, 8, 9, 14, 18, 23 and 24 are dependent from claims 1, 7, 13 and 17, respectively. Because Kano fails to disclose all of the aspects of claims 1, 7, 13 and 17 and because Yanagita fails to cure the deficient disclosure of Kano, claims 2, 3, 8, 9, 14, 18, 23 and 24 are patentable over the applied art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Dion R. Ferguson/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Dion R. Ferguson
Registration No. 59,561

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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